

REMARKS

This is intended as a full and complete response to the Office Action dated January 16, 2004, having a shortened statutory period for response set to expire on April 16, 2004. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 8-12, and 15 are pending in the application. Applicants have amended claims 8 and 15 to correct matters of form and to more clearly recite aspects of the invention. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents if not previously amended to distinguish a reference. Applicants have added new claims 16-29 to more clearly recite aspects of the invention.

The specification stands objected to for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner asserts that the recited claim term "hydrofluoric acid" is not disclosed in the specification. Applicants have amended the claims and deleted this term therefrom, as suggested by the Examiner. As the basis for this objection has been obviated, Applicants respectfully request this objection be withdrawn.

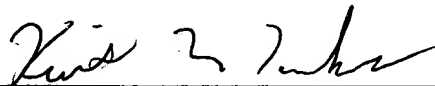
Claims 8-12 and 15 stand rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserts that the use of the term "hydrofluoric acid" recited in claims 8 and 15 is not clear. Applicants have amended claims 8 and 15 to more specifically recite "hydrogen fluoride" as a feed gas and removal of liquid hydrogen fluoride from the cleaning gas. Applicants respectfully requests withdrawal of the rejection and reconsideration of claims 8-12 and 15 based on the amendments to the claims.

Claims 8-12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shang et al* (U.S. 5,788,778), in view of WO 00/52740 and in further view of *Hodgson* (U.S. 5,378,324). Specifically, the Examiner states that WO 00/52740 teaches a gas delivery system utilizing local (point of use) fluorine generation and thereby renders obvious Applicants' invention by motivating one skilled in the art to use such a system in process chamber cleaning.

Applicants respectfully traverse the rejection. When the reference is not a statutory bar under 35 U.S.C. § 102(b), (c), or (d), an applicant can overcome the rejection by swearing behind the reference through the submission of an affidavit under 37 C.F.R. § 1.131. *In re Foster*, 343 F.2d 980 (CCPA 1965). In antedating a prior art reference with a 37 C.F.R. § 1.131 affidavit, "the applicant need show priority with respect to only so much of the claimed invention as the reference discloses, or only so much as to render the claimed invention obvious." *In re Peter Schreiber*, 587 F.2d 59, 61-62 (CCPA 1978). Applicants' accompanying § 1.131 affidavit shows prior possession of the "on site" "in communication" generation of fluorine aspects of Applicants' invention which are asserted to be previously disclosed in WO 00/52740. Specifically, Applicants were in possession of the aspects of their invention relating to on-site or "point of use" (POU) fluorine generation and delivery prior to March 6, 2000, the earliest possible date for WO 00/52740 or corresponding U.S. Patent No. 6,602,433. Thus, the references cannot be relied upon by the Examiner as prior art rendering Applicants' invention unpatentable under 35 U.S.C. § 103(a).

In conclusion, WO 00/52740 has been removed as a prior art reference, and the remaining references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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